



v. Rising, 2006 WL 1966663, \*3 (W.D.N.C. July 11, 2006). Therefore, Defendant's Partial Motion to Dismiss Plaintiff's Complaint is DENIED AS MOOT without prejudice to re-file a motion to dismiss in response to Plaintiff's Amended Complaint.

IT IS SO ORDERED.

Signed: May 6, 2015

A handwritten signature in black ink, appearing to read "Frank D. Whitney", is written over a horizontal line.

Frank D. Whitney  
Chief United States District Judge

